

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
1	UNCLASSIFIED	CONFIDENTIAL	SECRET
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	DCI APEX Security Officer		
2	Room 4E-49		
3			
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6			
	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks: <p style="text-align: center;">May I have your comments by Noon Friday, 25 July.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
SA/DCI/C			7/23/80
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FORM NO. 1-67 237 Use previous editions

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USAF review

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23 July 1980

MEMORANDUM FOR: Members, APEX Steering Group
FROM :
SA to the DCI for Compartmentation
SUBJECT : Single Repository for APEX NdA

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1. This memorandum distributes and comments on the attached memorandum from the Chairman of Subworking Group No. 1. The attachment reports that a single repository has not been agreed to. The Subworking Group has my thanks for its effort and sympathy for the frustrations faced.

2. In my view, our inability to establish a single repository creates new problems. Each agency or department must now establish a storage system that will hold the original paper NdA for as long as its signer is able to speak or write publicly. This means that most NdAs will need to be held for 75 years (as is required for personnel records).

In addition, if my understanding is correct, the concept of signing a new NdA when a person transfers from one to another Federal establishment will create problems when legal use of the NdA is attempted. The lawyers will be forced to deal with either the first NdA signed or to have available all of the full sequence of NdAs. If other than

the first signed NdA is presented in court, the alleged violator of the NdA will have a variety of escape opportunities and the Government a more difficult effort.

3. At this point in time, I have no new task for Working Group No.

1. I strongly urge, however, all APEX Steering Group members to lobby, as circumstances permit, for a single repository of APEX NdAs. That file, again, should:

- Hold the original paper NdAs;
- Hold the NdA for 75 years--as long as the signer is capable of violating it;
- Provide a method to permit quick and easy assurance that there is an NdA for a given individual at hand.

My personal opinion is that without such a file, the implementation of APEX will provide less than desired assurance that the signing of the

NdA provides an effective instrument for Government legal action if the NdA is violated. I do not believe that either the precise location or which agency or department holds the NdAs is a relevant question. Our objective ought to be a single repository.



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Attachment



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE INTELLIGENCE SERVICE
WASHINGTON DC 20330

REPLY TO
ATTN OF:

INS

SUBJECT: APEX Nondisclosure Agreement (NDA) Procedures

TO:

Room 7E-12, CIA HQ Building

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1. Per your tasking, APEX Subworking Group Number 1 met to develop recommendations on whether or not the NDAs should be forwarded to a Central Repository for retention.
2. DIA representatives advised that their agency does not believe the NDA (which would carry a DOD Form number) should be sent outside their agency and that the Privacy Act would not allow such a procedure. The NSA member also noted that his agency desired to retain their NDAs rather than forwarding them to a Central Repository.
3. Accordingly, it is our view that without full Intelligence Community participation, the Central Repository concept is not workable and should be discarded. Instead, the completed NDA should be forwarded to the person's parent Intelligence Community SIO who would be responsible for retaining it for the required period of time. Subsequent NDAs completed by the person should be handled in the same manner.

A handwritten signature in dark ink, appearing to read "R. A. Shiver", is positioned above the typed name.

ROBERT A. SHIVER, Colonel, USAF
Chairman, Subworking Group No 1
APEX Steering Group